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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,725	03/18/2004	Pei-Chung Wang	GP-302676	2760

7590 04/10/2006

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EXAMINER

BEVERIDGE, RACHEL E

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/720,725	Applicant(s) WANG ET AL.	
	Examiner Rachel E. Beveridge	Art Unit 1725	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


JONATHAN JOHNSON
PRIMARY EXAMINER

CONTINUATION OF ITEM 11


Applicant argues Branch does not anticipate the subject matter of any of claims 1-6, 8, or 11-14 (page 7). The examiner disagrees for the following reasons: applicant says "the Branch welding apparatus cannot be articulated and flexed in accordance with any of applicants' method claims 1-6, 8, or 11-14" (page 6). The examiner disagrees. Applicant further says "the Branch apparatus cannot be inserted along the axis of an open tube and articulated to follow a weld as illustrated in Figure 2 of applicants' specification" (page 6). The examiner disagrees and reminds applicant that Branch teaches the parts arranged so that gas is permitted to flow through a flexible tube (44) to a head (46) where it is discharged as a directed stream on the inner surface of the joint (13) (Branch, col. 3, lines 22-28), and Branch further teaches progressively forming the weld around the vessel (10) (Branch, col. 3, line 43). Applicant also argues "Branch does not deliver shielding gas through a terminus that is articulated to deliver the gas" and that Branch does not disclose an "articulate tube to a terminus at the other end" (page 7). The examiner disagrees and reminds applicant that tube 44 is flexible (see Branch, col. 2, lines 65-68) and Branch does not ever disclose that tube 45 is rigid. The examiner also points the applicant to the previous rejection of claim 1 and more particularly to Branch, col. 2, lines 62-70.

Applicant argues "no combination of Branch and Corby teaches or suggest applicants' methods of delivering shielding gas through a separate flexible articulate delivery tube and using visual signals from the terminus of the tube to direct the tube along a progressing weld track" (page 7). The examiner disagrees. The examiner

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reminds the applicant that Branch teaches progressive welding, and Corby discloses that an image of the weld puddle is used as feedback information to change the position of the optical systems (Corby, abstract, lines 8-14). To be more clear, an image is a form of visual signal, feedback is a method of how the visual device creates it direction to change the position of the optical system.

Applicant also argues "no combination of Branch and Corby, or nor combination of Branch, Corby, and Berg teaches or suggest applicants' methods of delivering shielding gas through a separate flexible articulate delivery tube and using temperature signals from the terminus of the tube to direct the tube along a progressing weld track" (page 8). The examiner disagrees and reminds the applicant that Branch teaches progressive welding, and Corby discloses that an image of the weld puddle is used as feedback information to change the position of the optical systems (Corby, abstract, lines 8-14). Furthermore, Berg discloses a welding process confined to between the weld and base metal at the point of fusion so that a narrow heat affected zone is produced (Berg, col. 20, lines 13-16).



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